

**115 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR No. 5895 of 2018
Date of Decision: 13.09.2018

Gram Panchayat Ibrahimpur

.....Petitioner

Versus

Narender and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Gulshan Nandwani, Advocate
for the petitioner.

Mr. Amit Kumar Jain, Advocate
for respondent No.1.

Mr. Rajbir Singh, AAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 23.07.2018, passed by the Additional Civil Judge (Senior Division), Bawal (for short, the Trial Court), through which the defence of the petitioner has been struck off on the ground of having not filed his written statement in spite of grant of reasonable opportunities.

Learned counsel for the petitioner submits that on the day when the impugned order was passed, the written statement on behalf of the petitioner was ready but the same could not be filed due to the reason that the father of the counsel appearing on behalf of the petitioner before the Trial Court, was admitted to the hospital. He prays for grant of only one effective opportunity to file his written statement on payment of reasonable costs.

Learned counsel for respondent No.1 submits that in view of

the above circumstances, he has no objection if subject to payment of costs one effective opportunity is granted to the petitioner to file his written statement.

In view of the above circumstances that on the date when the impugned order was passed striking off the petitioner's defence, father of the counsel of the petitioner was admitted to a hospital, in line with the principles of natural justice and not preclude the petitioner from raising his defence at the very initial stage of the suit as also on account of the concession made by learned counsel for respondent No.1, after setting aside the impugned order dated 23.07.2018, subject to payment of costs of ₹15,000/- to be paid to respondent No.1, the petitioner is granted one week's time to file his written statement.

The present petition is allowed in the above terms.

If the respondents are aggrieved by passing of this order, they are at liberty to approach this Court by filing of an appropriate application.

(DEEPAK SIBAL)
JUDGE

13.09.2018

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Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No